

1  
2  
3  
4  
5 UNITED STATES DISTRICT COURT  
6 FOR THE EASTERN DISTRICT OF CALIFORNIA  
7

8 BRANDON THAO,

9 Plaintiff(s),

10 v.

11 PHARMERICA PS, LLC, ET AL.,

12 Defendants.  
13

No. 1:24-cv-00085-SKO

ORDER DIRECTING THE CLERK TO  
TERMINATE RX RELIEF, INC.

(Doc. 4)

14 On January 24, 2024, Plaintiff filed a notice of voluntary dismissal without prejudice of  
15 Defendant RX Relief (d/b/a RX Relief, Inc.), pursuant to Federal Rule of Civil Procedure  
16 41(a)(1)(A). (Doc. 4). “The plaintiff may dismiss some or all of the defendants, or some or all of  
17 his claims, through a Rule 41(a)(1) notice,” and the dismissal “automatically terminates the action  
18 as to the defendants who are the subjects of the notice.” *Wilson v. City of San Jose*, 111 F.3d 688,  
19 692 (9th Cir. 1997).

20 Plaintiff filed his notice before Defendant RX Relief served either an answer or a motion  
21 for summary judgment. (See Docket). As such, Plaintiff has voluntarily dismissed Defendant RX  
22 Relief without prejudice, and this case has automatically terminated as to that defendant. Fed. R.  
23 Civ. P. 41(a)(1)(A). Accordingly, the Clerk of Court is directed to TERMINATE RX Relief. This  
24 case shall remain OPEN pending resolution of Plaintiffs’ case against the remaining defendants.

25  
26 IT IS SO ORDERED.

27 Dated: January 25, 2024

/s/ Sheila K. Oberto  
UNITED STATES MAGISTRATE JUDGE  
28